

### **REMARKS/ARGUMENTS**

The non-final Office Action of January 30, 2008, has been reviewed and these remarks are responsive thereto. By this amendment, claims 1, 33, and 49 have been amended, no claims have been canceled, and new claims 54-59 have been added. No new matter has been added. Claims 1, 2, 4-11, 33, 34, 36-39, and 46-59 remain pending in this application upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

#### **Rejections Under 35 U.S.C. § 102**

Claims 1, 2, 6, 7, 11, and 47 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,973,612 (Deo). Applicants traverse this rejection for at least the following reasons.

Amended claim 1 recites, in part, “displaying ... a list of selectable items corresponding to the identified one or more user profiles,” “receiving a first user input associating a displayed selectable item corresponding to a first user profile with the received group of terminal operating characteristics,” and “configuring the communication terminal to operate according to the received group of terminal operating characteristics.” Deo describes a system in which a combination of sender preferences and recipient preferences are used to determine how a device user will be notified upon receipt of an incoming notification. Col. 2, lines 29-56. However, Deo never discloses displaying a list of user profiles, and never discloses receiving user input to associate a user profile with a received group of terminal operating characteristics, as recited in amended claim 1. Further, as the Office Action correctly indicates on pages 8 and 10, Deo does not disclose storing a change in the terminal operating characteristics of a profile. Thus, even assuming, without admitting, that Deo’s sender preferences or recipient preferences could be considered “user profiles,” Deo still does not disclose or suggest associating a user profile with a received group of terminal operating characteristics, or configuring a terminal to operate according to the received group of terminal operating characteristics, as recited in claim 1.

Accordingly, Applicants submit that amended claim 1 is not anticipated by Deo. Claims 2, 6, 7, and 11 depend from claim 1 and are not anticipated by Deo for at least the same reasons as claim 1, as well as based on the additional features recited therein.

For example, claim 2 recites, “wherein the group of terminal operating characteristics includes a ringing tone and at least one graphical picture.” The Office Action alleges on page 3 that Deo discloses a ringing tone at Col. 2, lines 48-56. However, Deo only discloses appending a sender preference to a notification that indicates whether or not a ringing tone or melody should be played at the receiver terminal. Col. 2, lines 29-38. Deo never discloses or suggests receiving data including an actual ringing tone. This distinction is significant. For example, an incoming call signal received at a conventional or cellular telephone may correspond to an indication that the ringing tone of the telephone should be played, however, this incoming signal does not actually include the data comprising the ringing tone. Thus, Applicants submit that Deo does not disclose or suggest, “wherein the group of terminal operating characteristics includes a ringing tone.” Accordingly, claim 2 is not anticipated by Deo for at least this additional reason.

In the interest of expediting prosecution, amended claim 1 will also be discussed with respect to the Smith (U.S. Patent 6,226,367), Park (U.S. Patent 7,158,805), and Tran (U.S. Patent Appl. Pub. No. 2002/0068220) references relied upon by the Examiner in the rejections under 35 U.S.C. § 103(a).

Smith describes a technique of using a database of contact information (electronic business cards) to identify a caller of an incoming call and display an icon associated with the caller. Col. 8, lines 9-64. However, as correctly indicated on page 10 of the Office Action, Smith also does not disclose updating a profile. Therefore, Smith does not disclose or suggest associating a user profile with a received group of terminal operating characteristics, or configuring a terminal to operate according to the received group of terminal operating characteristics, as recited in claim 1. Furthermore, as discussed in the Amendment submitted December 5, 2007, Smith’s electronic business cards refer to simple user contact information and are entirely unrelated to “user preferences or settings that control the operation of a communication terminal.” Thus, Smith also fails to disclose or suggest the “user profiles” recited in claim 1.

With respect to Park, the Office Action states on page 8 (in the rejection of claim 33):

Park, however, discloses  
updating of contact information (col. 3, line 47-col. 4, line 3; col. 4, lines 13-29;  
information such as office email address and phone number is stored), which can  
read on updating the operating characteristics (phone numbers to be dialed, etc.)  
of a profile.

More specifically, Park describes sending automatic updates of user contact information between multiple communication terminals in a system. Col. 1, lines 53-60. However, Park only discloses automatic updates and does not teach or suggest displaying a list of one or more user profiles, or receiving user input associating a user profile with a received group of terminal operating characteristics. Furthermore, like Smith, Park only describes transmitting simple user contact information, such as phone numbers and email addresses, and does not relate to “user preferences or settings that control the operation of a communication terminal,” as claimed. Thus, Applicants submit that Park merely transmitting contact information between terminals does not read on “configuring the communication terminal to operate according to the received group of terminal operating characteristics,” as recited in claim 1.

Tran also does not disclose or suggest displaying a list of one or more user profiles, receiving user input associating a user profile with a received group of terminal operating characteristics, or configuring a terminal to operate according to the received group of terminal operating characteristics. Therefore, Smith, Park, and Tran do not overcome the deficiencies of Deo with respect to at least the above-discussed features amended claim 1. Accordingly, Applicants submit that amended claim 1 is not obvious over any possible combination of Deo, Smith, Park, and Tran.

### **Rejections Under 35 U.S.C. § 103**

Claims 4, 8 and 46 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Deo in view of Smith. Claims 5, 9, 33, 34, 37-39, 49, 51 and 53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Deo in view of Park. Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Deo, in view of Park, and further in view of Tran.

Claims 36, 48, 50 and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Deo, in view of Park, and further in view of Smith.

Independent claims 33 and 49 have each been amended to recite displaying a selectable list of user profiles, and receiving user input associating a user profile with a received group of terminal operating characteristics. Additionally, amended claim 33 recites “updating the terminal operating characteristics of the first user-selectable profile to correspond to the received group of terminal operating characteristics,” and amended claim 49 recites, “configuring the apparatus to operate according to the received group of terminal operating characteristics when the first user profile is selected on the apparatus.” Thus, for the same reasons discussed above in reference to claim 1, amended claims 33 and 49 are not anticipated by or obvious over any possible combination of Deo, Smith, Park, and Tran.

Claims 4, 5, 8-10, 33, 34, 36-39, 46, and 48-53 each depend from one or claims 1, 33, and 49, and are not obvious for at least the same reasons as their respective base claims, as well as based on the additional features recited therein. For example, claims 34 and 53 each recite, “wherein the group of terminal operating characteristics comprises a ringing tone and at least one graphical picture,” and are therefore allowable over the cited references for the additional reasons discussed above in reference to claim 2.

### ***New Claims***

Applicants have added new claims 54-59 to more fully claim their invention. For example, claim 55 recites, “wherein configuring the communication terminal comprises creating a new user profile,” and claim 57 recites, “wherein configuring the apparatus comprises creating a new user profile in the memory of the apparatus.” None of the cited references, alone or in combination, discloses creating a “new user profile” as claimed (i.e., a user profile corresponding to a set of user preferences and settings that control the operation of the communication terminal, as recited in base claims 1 and 49). Accordingly, Applicants submit that new claims 55 and 57 are allowable over the cited references.

Additionally, new claim 58 is directed to a computer readable media storing computer-executable instructions to perform a method comprising the same steps recited in claim 1. Thus, for the same reasons discussed above in reference to claim 1, new claim 58 is not anticipated by

or obvious over any possible combination of the cited art. Claim 59 depends from claim 58 and further recites, "wherein the group of terminal operating characteristics comprises a ringing tone and at least one graphical picture." Thus, claim 59 is allowable over the cited references for the additional reasons discussed above in reference to claim 2.

### **CONCLUSION**

Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicant's undersigned representative at the below-listed number.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 25th day of April, 2008

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